



DEC 05 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Katherin Proctor
Brown, Martin, Haller & McClain LLP
1660 Union Street
San Diego, CA 92101-2926

In re Application of :
KELLER, Walter :
Application No.: 09/890,554 :
PCT Application No.: PCT/DE00/02836 :
International Filing Date: 18 August 2000 :
Priority Date: 20 August 1999 :
Attorney Docket No.: 2633-PA78 :
For: SYSTEM AND METHOD FOR :
NOTIFICATION OF TRANSMISSION :
AND SERVICE COSTS OF USING :
TELECOMMUNICATION NETWORK :

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

Applicant's "Petition for Revival of an Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office
on 02 August 2001 is **GRANTED**.

BACKGROUND

On 18 August 2000, applicant filed an international application, No. PCT/DE00/02836, which claimed a priority date of 20 August 1999. A copy of the application was transmitted by the International Bureau (IB) on 01 March 2000.

The deadline for entering the national stage was thus twenty months from the priority date, 20 April 2001. The application went abandoned when applicant failed to make the necessary filing.

On 02 August 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, a petition to revive the international application; the requisite petition fee; and the requisite basic national fee as required by 35 U.S.C. §371(c)(1).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b)

must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant states "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee, petition fee and international application have been submitted. A terminal disclaimer is not required as the application was filed on 18 August 2000. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

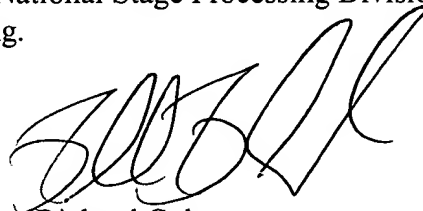
CONCLUSION

The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing. The application has an international filing date of 18 August 2000 under 35 U.S.C. §363 and a date of 02 August 2001 under 35 U.S.C. §371. This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



Erin M. Pender
Attorney Advisor
PCT Legal Office



Richard Cole
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 305-0455
Facsimile: (703) 308-6459